

**ASSEMBLY BILL**

**No. 1356**

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**Introduced by Assembly Member Berg**

February 22, 2005

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An act to amend Sections 4143 and 4144 of, and to add Section 4144.2 to, the Public Resources Code, relating to forestry and fire protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 1356, as introduced, Berg. Department of Forestry and fire protection: cooperative agreements: fire suppression.

Existing law prohibits personnel or equipment from being assigned to any location or pursuant to a cooperative agreement if the assignment would not meet policy and standards established by the State Board of Forestry and Fire Protection, that are designed to meet specified objectives, including, among other things, that the striking force and efficiency of the Department of Forestry and Fire Protection in its primary mission of wildland fire protection will not be reduced or impaired.

This bill would revise that objective to specify that the striking force and efficiency of the department in its primary mission of fire protection will not be reduced or impaired.

Existing law authorizes the Director of Forestry and Fire Protection, with the approval of the Department of General Services, to enter into a cooperative agreement with a county or special district for the purpose of preventing and suppressing forest fires or other fires within any county or special district that so requests under those terms and conditions that the director deems wise.

This bill would revise those provisions to also authorize the director to enter into those cooperative agreements with an individual or entity

for the purpose of preventing fires within any county or special district or on other lands.

Existing law prohibits the director from entering into or renewing a cooperative agreement pursuant to those provisions in specified circumstances.

This bill would revise the circumstances under which the director is authorized to enter or renew such a cooperative agreement, as provided.

Existing law requires that a cooperative agreement provide, for, in a reasonable manner, the efficient utilization of necessary fire prevention and suppression related equipment, personnel, and buildings that are located in or immediately adjacent to the state responsibility area during that period of the year commonly designated as the “nonfire season.”

This bill would revise those provisions to delete the requirement that the equipment, personnel, and buildings be located in or adjacent to that area during “nonfire season.” The bill would also make various changes related to the personnel required for the necessary operation and maintenance of equipment and buildings under the jurisdiction of the director, as specified.

Existing law requires that a cooperative agreement provide for a cost apportionment between the county or special district and the state that reasonably reflects cost apportionments, except that the county or special district is required to be apportioned specified additional costs for extended staff availability for 24-hour emergency response, not to exceed 15 percent of the base salary cost.

This bill would delete the 15% base salary limit with regard to a county, special district, individual, or entity being apportioned the specified additional costs. The bill would also authorize the department to recover its actual costs.

This bill would require the department to ensure that a minimum staffing level, consistent with department’s policy, is maintained on all fire prevention vehicles.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 4143 of the Public Resources Code is  
2     amended to read:

1 4143. The Legislature hereby finds and declares that the  
2 maintenance of the economic well-being of the state and the  
3 public health and safety require that the state, through the  
4 department, obtain full utilization of all equipment, personnel,  
5 and buildings under the jurisdiction of the director. In order to  
6 obtain these benefits, the director, in accordance with policy  
7 determined by the board, may provide personnel for and operate  
8 such fire stations, statewide, as the director deems necessary to  
9 provide the best possible fire prevention and suppression.  
10 Personnel or equipment shall not be assigned to any location or  
11 assigned pursuant to Section 4144 if such an assignment would  
12 not meet policy and standards established by the board. The  
13 policy and standards shall be designed to assure all the following:

14 (a) The striking force and efficiency of the department in its  
15 primary mission of ~~wildland~~ fire protection will not be reduced  
16 or impaired.

17 (b) The department will not need any additional funds to  
18 operate its program.

19 (c) Personnel and equipment assigned pursuant to Section  
20 4144 will not replicate services provided under an agreement  
21 made pursuant to Section 4142.

22 The normal assignment of fire resources of the department to  
23 southern California during periods of critical fire weather  
24 conditions or during major wildland fires shall not be impaired  
25 and shall receive priority over agreements made with counties  
26 pursuant to Section 4144.

27 SEC. 2. Section 4144 of the Public Resources Code is  
28 amended to read:

29 4144. (a) Notwithstanding Section 4142, the director may,  
30 with the approval of the Department of General Services, enter  
31 into a cooperative agreement with a county or a special district,  
32 *or any other individual or entity* for the purpose of preventing  
33 and suppressing ~~forest fires or other~~ fires within any county or  
34 special district, *or on other lands* that so requests under those  
35 terms and conditions ~~which~~ *that* the director deems wise.

36 (b) The director shall not enter into or renew a cooperative  
37 agreement pursuant to this section under ~~any~~ *either* of the  
38 following circumstances:

39 (1) With any county ~~which~~ *that* has assumed responsibility  
40 pursuant to Section 4129.

~~(2) With any county or special district which does not have lands classified by the board pursuant to Section 4125 as a state responsibility area.~~

~~(3) If the director determines that one effect of the agreement would be the replacement or curtailment of locally provided fire prevention and suppression services.~~

~~(4)~~

(2) If the director determines, pursuant to the policy and standards adopted by the board under Section 4143, that the agreement would replicate services provided under an agreement made pursuant to Section 4142.

~~(5) When the director determines that the number and value of building permits, population density, available financial resources, or any other factor within the service area of a particular station under the agreement make it feasible for the communities to permanently or continuously support their own fire prevention and suppression services.~~

~~(c) The director shall not enter into or renew a cooperative agreement pursuant to this section where equipment, personnel, and buildings used during the fire season to protect state responsibility areas.~~

~~(d)~~ The cooperative agreement shall provide both of the following:

(1) In a reasonable manner, for the efficient utilization of necessary fire prevention and suppression related equipment, personnel, and buildings under the jurisdiction of the director ~~and located in or immediately adjacent to the state responsibility area during that period of the year commonly designated as the “nonfire season.”~~ The equipment and buildings utilized shall be limited to those owned or leased by the state, or their replacements, and to the equipment, personnel, and buildings used during the fire season to protect state responsibility areas. Whenever the cooperative agreement provides for the employment of personnel during the “nonfire season” who would be in addition to the personnel required for the necessary operation and maintenance, ~~during the “nonfire season,”~~ of equipment and buildings under the jurisdiction of the director, the full salaries and all benefits of the additional personnel shall be apportioned, ~~as costs to the county or special district~~ *the director determines is appropriate to the county, special district,*

1 *person, or entity that contracts with the department pursuant to*  
2 *the cooperative agreement for fire protection.*

3 (2) A cost apportionment between the ~~county or special~~  
4 ~~district and the state and the county, special district, individual,~~  
5 ~~or entity that contracts with the state for fire protection that~~  
6 ~~reasonably reflects cost apportionments made pursuant to Section~~  
7 ~~4142, except that the county or special district or contracting~~  
8 ~~individual or entity shall be apportioned the additional cost for~~  
9 ~~extended staff availability for 24-hour emergency response, not~~  
10 ~~to exceed 15 percent of the base salary cost, for state personnel~~  
11 ~~assigned to staff fire engines at a rate determined annually by the~~  
12 ~~director, plus staff benefit costs attributable to the apportionment,~~  
13 ~~and total overtime pay. The department may recover its actual~~  
14 ~~costs.~~

15 ~~(e)~~  
16 ~~This section is necessary because sparsely populated rural~~  
17 ~~communities lack the tax base sufficient to provide the necessary~~  
18 ~~financial resources for year-round fire prevention and~~  
19 ~~suppression, and it is the intent of the Legislature that, pursuant~~  
20 ~~to this section, fire prevention and suppression may be provided~~  
21 ~~during the “nonfire season” to those communities until those~~  
22 ~~communities have adequate revenues to permanently or~~  
23 ~~continuously support their own fire prevention and suppression.~~

24 SEC. 3. Section 4144.2 is added to the Public Resources  
25 Code, to read:

26 4144.2. The department shall ensure that a minimum staffing  
27 level, consistent with the department’s policy, is maintained on  
28 all fire prevention vehicles.